



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application of: Leon et al.

Attorney Docket: 944-001.108-1

Serial No.: 10/826,687

Group Art Unit: 2457

Filed: April 16, 2004

Examiner: Uzma Alam

For: **METHOD AND DEVICE FOR PROACTIVE RATE ADAPTATION SIGNALING**

Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Sir:

This Request for Reconsideration is filed in response to the final office action, mailed December 3, 2008.

In the patent application, claims 1-7, 9-17, 19-34 and 36 are pending.

In the final office action, all pending claims are rejected.

At section 2 of the office action, claims 1-7, 9-17 and 19-34 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by *Ravi et al.* (U.S. Patent No. 6,292,834, hereafter referred to as *Ravi*).

******If any fee and/or extension is required in addition to any enclosed herewith, please charge Account No. 23-0442.***

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

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- ☒ Deposited with the United States Postal Service with sufficient postage as first class Mail in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

- ☐ Transmitted by facsimile to the U.S. Patent and Trademark Office.

Date: January 26, 2009

Marie E. Forte
 Signature
 Marie E. Forte
 (type or print name of person certifying)